KEKER
VAN NEST
& PETERS

Edward A. Bayley
(415) 773-6672
ebayley@keker.com

VIA ECF

June 25, 2025

Hon. Ona T. Wang
U.S. District Judge for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re OpenAI, Inc. Copyright Infringement Litigation*, No. 1:25-md-03143 (S.D.N.Y.).
       This Document Relates To: 23-cv-11195

Dear Magistrate Judge Wang:

The OpenAI Defendants submit the proposed sampling methodology (the "Proposed Order") attached hereto as Exhibit A pursuant to the Court's June 18, 2025 Order. *See* MDL ECF 217 at 2 ("The parties are directed to submit a joint proposed methodology for the Court's consideration by June 24, 2025."). The Proposed Order includes the sampling protocol criteria on which the parties agree, as well as tables detailing the parties' remaining disputes.

In advance of the parties' joint submission pursuant to the same Order, *see* MDL ECF 217, OpenAI prepared the Proposed Order and transmitted it to News Plaintiffs, who responded with a redline detailing their positions. News Plaintiffs then decided that a proposed order was not necessary and refused to comply with its joint filing.

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

/s/ Edward A. Bayley
Edward A. Bayley
On behalf of OpenAI Defendants

EAB:dxc

2996044